

ORDINANCE 2020-11

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ALLOWING THE USE OF GOLF CARTS UPON DESIGNATED CITY ROADS IN THE CITY OF WESTLAKE, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT OF LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR IMPLEMENTATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 316.212(1), Florida Statutes, permits golf carts to be operated on a street(s) that has been designated by a municipality, provided the municipality first determines that they may safely travel on or cross such public roads upon considering the speed, volume, and character of motor vehicle traffic using those roads or streets; and

WHEREAS, Section 316.212(5), Florida Statutes, states that golf carts may only operate on such public roads during the hours between sunrise and sunset, unless the governmental agency specifically determines that such golf carts may also safely operate during the hours between sunset and sunrise and the golf carts possess headlights, brake lights, turn signals and windshields; and

WHEREAS, Section 316.212(8), Florida Statutes, allows a local government to enact restrictions and regulations regarding golf cart operations that are more restrictive than those contained in Section 316.212 on unlicensed golf cart operators; and

WHEREAS, the City of Westlake City Engineer is responsible for conducting studies to determine whether golf carts may safely travel on or cross public roads located within the City of Westlake, after considering the following factors: speed, volume, and the character of motor vehicle traffic using the relevant roads; and

WHEREAS, the City of Westlake City Engineer has determined that golf carts may safely be operated in a limited manner on certain roads within its geographical boundaries; and

WHEREAS, the City of Westlake City Engineer desires to provide additional regulations for the operation of golf carts on designated roads within its geographical boundaries; and

WHEREAS, the Seminole Improvement District is the owner of the streets/roads, the Rural Parkway Easements and the multi-modal paths located within the jurisdictional boundaries for the City; and

WHEREAS, the Seminole Improvement District and the City have entered into an Interlocal Agreement which recognizes it is the City's responsibility to regulate traffic laws and traffic safety within their mutual boundary; and

WHEREAS, the City of Westlake City Council believes that regulations proposed in this Ordinance promote and enhance the health, safety and welfare of its citizens; and

WHEREAS, Seminole Improvement District consents and agrees with said street/roads, Rural Parkway Easements and multi-modal paths being utilized for the operation of golf carts.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

SECTION 1: INCORPORATION: The above recitals are confirmed, adopted and are incorporated herein by reference.

SECTION 2: DEFINITIONS

As used in this ordinance, the following words and terms shall have the meaning ascribed thereto:

Designated roads means all streets and roads within the City, except for prohibited streets and roads.

Golf cart means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour as defined in Florida Statutes 316.003(27) and 320.01(22).

Hybrid golf cart is a golf cart, which shares its electric motive power with another source, such as a gasoline engine.

Low speed vehicle is any four-wheeled electric vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour, including neighborhood electric vehicles.

Shared Use Path is a paved facility for use by pedestrians, bicyclists, and/or other users that is separated from vehicular traffic.

Neighborhood electric vehicle (NEV) is an electrically driven vehicle designed for speeds of twenty (20) to twenty-five (25) miles per hour. A NEV is considered a low speed vehicle.

Speed modified golf cart is a golf cart originally manufactured for at speeds up to twenty (20) miles per hour that has been modified after initial manufacture to travel at speeds over twenty (20) miles per hour.

Permit Owner means an official authorization designating that the golf cart to which the authorization is affixed meets the requirements of state law and the City of Westlake Code of Ordinances.

Prohibited streets mean Seminole Pratt Whitney Road, 60th Street, portions of Town Center Parkway East, Persimmon Boulevard East of Ilex Way and Sycamore Drive West.

Roads/Streets means the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic as defined in Florida State Statutes 320.01(16).

Slow moving vehicles means any vehicle designed for use and speeds less than 25 miles per hour.

Unlicensed driver means a driver who does not hold and possess a valid state-issued driver's license.

Homeowners' Association shall mean a Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term "homeowners' association" does not include a community development district or other similar special taxing district created pursuant to statute.

SECTION 3: USE OF GOLF CARTS UPON DESIGNATED ROADS IN THE CITY OF WESTLAKE

A. ROADS and STREETS

1. Golf carts may be operated on those streets and roads or portions thereof as designated by the City of Westlake Planning and Zoning Board based upon recommendations of the City Engineer. These designations shall be in accordance with Florida Statute, Section 316.212 and shall be made in accordance with City of Westlake Code of Ordinances.

2. The city council may, by resolution designate and approve certain city streets and roads as streets and roads authorized for golf cart use. The city council may at any time revoke the designation and approval for golf cart use of any designated street or road. Upon designating any streets or roads as authorized for use by golf carts, the city shall ensure that proper signage to identify the designate the streets and roads for golf cart utilization.

3. Golf carts may be utilized on the Rural Parkway Easements and the multi-modal paths that are eight (8') feet or greater in width at a reduced speed of fifteen (15) miles per hour within the jurisdictional boundaries of the City.

4. In addition to the requirements of Florida Statutes, Section 316.212, which is applicable to the operation of golf carts on the aforementioned designated streets and roads, the following restrictions shall also apply:

- (a) No golf carts shall be operated upon those streets or roads that the City has identified as arterial or collector roads unless otherwise authorized by the enabling ordinance.
- (b) No persons shall operate golf carts on designated street or roads or shared use path without a valid driver's license issued in his or her home state.
- (c) It shall be unlawful for an unlicensed driver, defined as a driver who does not hold and possess a valid state-issued driver's license, to operate a golf cart upon streets and roads or shared use paths within the jurisdictional boundaries of the City.
- (d) Golf carts may not operate on a public road or street by anyone under the age of fourteen (14).
- (e) All golf carts operated under this Ordinance shall be restricted to a maximum attainable speed of twenty (20) miles per hour.
- (f) Golf carts and utility vehicles may cross a portion of a county road if the county has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.
- (g) All golf carts operating subject to this Ordinance must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear at all times while operated on the designated streets or roads.
- (h) Golf carts may only be operated on the designated streets or roads during the hours between sunrise and sunset, unless otherwise designated by the City of Westlake City Engineer.
- (i) Golf carts equipped with headlights, brake lights, turn signals, and windshields may operate at night, if nighttime operation is designated by the City of Westlake City Engineer.
- (j) In accordance with the provisions of Florida Statute 322.16, a person who holds a driver's license and who is under 17 years of age, when operating a golf cart after 11:00 p.m. and before 6:00 a.m., must be accompanied by a driver who holds a valid license to operate the type of vehicle being operated and is at least 21 years of age, unless that person is driving directly to or from work.

(k) In accordance with the provisions of Florida Statute 322.16, a person who holds a driver's license who is 17 years of age, when operating a golf cart after 1:00 a.m. and before 5:00 a.m., must be accompanied by a driver who holds a valid license to operate the type of vehicle being operated, and is at least 21 years of age, unless that person is driving directly to or from work.

B. The City of Westlake shall ensure the posting of signs along the designated streets or roads and shared use paths where golf cart operation is allowed advising motorists of the possible presence of golf cart traffic and alerting the public that the operation of such golf carts is subject to the various requirements of this Ordinance.

C. The individual Homeowner's Associations or the Master Homeowner's Association shall be responsible for the posting of signs along the designated streets and roads where golf cart operation is allowed behind the gates in each respective community advising motorist of the possible presence of golf cart traffic alerting the public that the operation of such golf carts is subject to the various requirements of this Ordinance.

SECTION 4: MINIMUM REQUIRED EQUIPMENT

- (a) All golf carts operated on designated streets and roads pursuant to this ordinance shall at a minimum be equipped with the following:
- (1) Properly functioning brakes.
 - (2) Two (2) properly functioning brake lights.
 - (3) Properly functioning steering apparatus.
 - (4) Safe tires.
 - (5) A rearview mirror.
 - (6) Florida Department of Transportation approved lap safety belts for the driver and all passengers.
 - (7) Reflectorized warning devices in the front and the rear of the golf cart.
- (b) All golf carts operated on designated city streets or roads in fog, smoke and rain and/or operated earlier than thirty (30) minutes after sunrise or later than thirty (30) minutes before sunset shall at a minimum be equipped with the following:
- (1) Two (2) properly functioning headlights.
 - (2) A properly functioning horn.
 - (3) Two (2) properly functioning brake lights.
 - (4) Properly functioning left and right turn signals.
 - (5) An approved windshield.
 - (6) Reflective devices or reflective tape on both sides of the of the golf cart.

SECTION 5: RESTRICTIONS

- (a) Only electric or power golf carts are authorized by this ordinance for use upon designated streets or roads.
- (b) "Speed-modified golf carts", "hybrid golf carts", and "neighborhood electric vehicles" (NEV) or other "low speed vehicles" are not authorized by this ordinance for use upon designated streets or roads.

(c) Owners and operators of all golf carts shall comply with applicable state laws pertaining to insurance requirements.

SECTION 6: GOLF CART REGISTRATION

(a) Each golf cart owner shall present an affidavit to the City demonstrating that the golf cart meets all City and state law requirements prior to operating on a designated street and road.

(b) The owner of any golf cart to be operated on designated streets and roads pursuant to this section shall first register said golf cart with the City of Westlake. The owner registering the golf cart must be at least eighteen (18) years of age. The City shall charge an initial registration fee of \$40.00.

(c) All owners of properly registered golf cart shall be issued a registration sticker which sticker shall be placed and maintained on the left front quarter panel. The City of Westlake shall maintain a list of all golf cart registrations.

(d) Golf carts shall not carry more passengers than those for which the golf cart was designed.

(e) Golf cart operators shall not obstruct or interfere with traffic flow.

(f) Each golf cart owner shall provide an affidavit to the City demonstrating that the golf cart meets all City and state law requirements prior to operating on a designated street or roads.

(g) Upon submitting a completed permit application, affidavit, proof of insurance and the payment of a \$40.00 application fee, the City shall issue a permit to operate a golf cart.

SECTION 7: INDEMNIFICATION AND INSURANCE

(a) **Hold Harmless.** Any person operating a golf cart on any designated streets, roads, rural parkway easements or multi-modal paths does so at his/her own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists, and pedestrians. The City in designating certain city streets, roads, rural parkway easements or multi-modal paths for the operation of golf carts, extends such operating privileges on the express condition that the operators of any golf carts under this ordinance undertakes such operation at their own risk and assumes sole liability for operating the vehicle on the designated streets, roads, rural parkways or multi-modal paths and by such operation agrees to defend, release, indemnify, and hold harmless the City, its officials and employees for and regarding any and all claims, demands, or damages of any nature whatsoever arising from such operation by any person.

(b) **Liability insurance required.** Any operator of a golf cart on the designated streets, roads, rural parkway easements or multi-modal paths shall be covered by motor vehicle or other liability insurance that includes operation of the golf cart insuring the owner and/or operator against loss from liability for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of a motor vehicle of not less than the limits described in Section 324.021(7), Florida Statutes, as may be amended.

SECTION 8: ENFORCEMENT

(a) Violations of this section shall constitute a non-criminal infraction enforceable by all duly authorized law enforcement officers pursuant to the provisions of Florida Statutes, Sections 316.212(9) and 318.14.

(b) The City shall have the authority to enforce the provisions set forth herein and applicable traffic laws, provided however, that the enforcement of rules and regulations created and established by home owners associations shall be the sole responsibility of those communities.

(c) City of Westlake may enforce the provisions of this ordinance through any legal means including prosecuting violations of this ordinance pursuant to Florida Statute 162, or the procedures for civil citations contained in the City of Westlake Code Compliance Ordinance.

(d) The operation of an unregistered golf cart, the operation of a golf cart which has been modified so as to no longer comply with the provisions of this ordinance, the operation of a golf cart without minimum required equipment for the conditions, and the operation of any golf cart on non-designated city streets presents an immediate threat to the health, safety and welfare. Accordingly, anyone adjudged by a court of competent jurisdiction, a code compliance board, a code compliance special magistrate or the city council, sitting in a quasi-judicial capacity, shall be subject to revocation of golf cart registration.

SECTION 9: CODIFICATION AND SCRIVENER'S ERRORS

The City of Westlake intends that this Ordinance will be made part of the City of Westlake Code of Ordinances; and that sections of this Ordinance can be renumbered or re-lettered and the word "Ordinance" can be changed to "Section," "Article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the City Manager and City Attorney without the need for public hearing.

SECTION 10: CONFLICT OF LAW

In the event this Ordinance conflicts with any other Ordinance of the City of Westlake or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION 10: SEVERABILITY

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any provision of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION 11: EFFECTIVE DATE. This ordinance shall be effective upon adoption on second reading.

PASSED this 14th day September, 2020, on first reading.

PUBLISHED on this ____ day of _____, 2020 in the Palm Beach Post.

PASSED AND ADOPTED this 12th day October, 2020, on second reading.

City of Westlake
Roger Manning, Mayor

Zoie Burgess, City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney